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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,114	09/09/2003	Andrew Hartmann	71234_0076	2113
20915	7590	05/17/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503				LEV, BRUCE ALLEN
ART UNIT		PAPER NUMBER		
		3634		

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/605,114	HARTMANN, ANDREW	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bruce A. Lev	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-4,9,11-22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9,11-22 and 24-38 is/are rejected.
- 7) Claim(s) 2-4 and 39-43 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 November 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

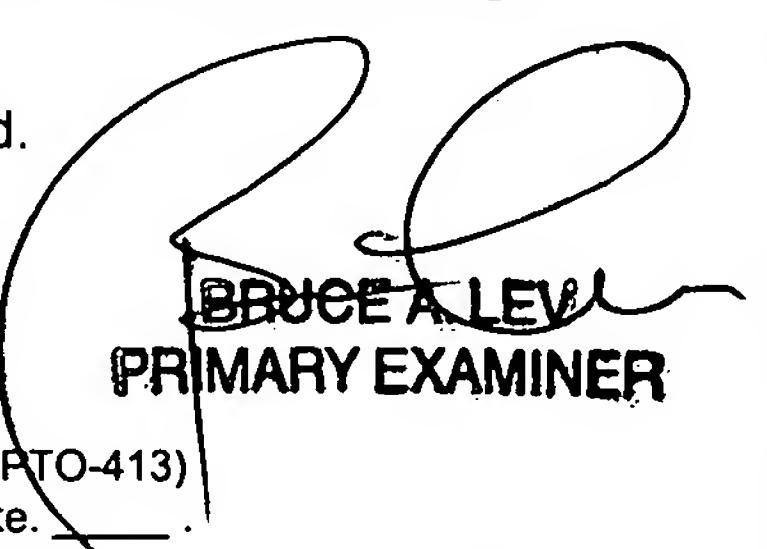
- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.



BRUCE A. LEV

PRIMARY EXAMINER

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

***Claims 21, 22, 24-28, 31-33, and 37*** are rejected under 35 U.S.C. 102(b) as being anticipated by ***DeFalco 4,532,973***.

***DeFalco sets forth*** a roll-up door comprising multiple stacked extruded panels (parts of which are formed from materials including plastic); a hinge assembly (inclusive of members 36 and 38); a pair of wheel assemblies comprising rollers 44 and axles received in a socket (formed by members including 45 and 50) within the panels; a latch assembly (shown in Figure 1) mounted to the bottom panel; wherein the socket is made from wear resistant material; integral socket mounting plates (inclusive of member 38c). The applicant should note that the ***process*** by which an apparatus is made (i.e., ***extruding***, and being “*integrally*” formed) is ***NOT*** given patentable weight within an apparatus claim.

***Claim 38 is rejected*** under 35 U.S.C. 102(b) as being anticipated by ***Machill 4,972,894***.

***Machill sets forth*** a roll-up door comprising multiple stacked panels; a hinge assembly comprising an arcuate projection including a flange portion 26 at one end; and a socket 34 at the other end and including a curved surface and a hook portion 32.

***Claim Rejections - 35 USC § 103***

***Claims 9, 11, and 13-18 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***DeFalco in view of Woernle 2,184,879.***

***DeFalco sets forth*** the roll-up door, as advanced above, except for the latch plate members being recessed. However, ***Woernle teaches*** attaching latch plate members as being recessed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco by recessing the door latch within the door panel, as taught by Woernle, in order to more securely and easily align and connect the latch members to the bottom panel.

***Claim 12 is rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***DeFalco in view of Woernle further in view of Yane 5,421 ,627.***

***DeFalco in view of Woernle set forth*** the roll-up door, as advanced above, except for the alignment indicia. However, ***Yane teaches*** the use of alignment indicia within a door latch configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco in view of Woernle by incorporating alignment indicia, as taught by Yane, in order to more securely and easily align and connect the latch members to the bottom panel.

***Claims 19 and 20 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***DeFalco in view of Woernle further in view of Miller et al 6,431 ,605.***

***DeFalco in view of Goernle set forth*** the roll-up door, as advanced above,

except for the recessed conspicuity reflector. However, ***Miller et al teach*** the use of conspicuity reflectors upon truck members. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco in view of Woernle by incorporating a recessed conspicuity reflector, as taught by Miller et al, in order to improve the safety of the assembly.

***Claims 29, 30, and 34-36 are rejected*** under 35 U.S.C. 103(a) as being unpatentable over ***DeFalco in view of Jarvis et al 5,411,782***.

***Defalco sets forth*** the roll-up door, as advanced above, except for the end caps. However, ***Jarvis et al teach*** the use of end caps within a door panel configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of DeFalco by incorporating end caps, as taught by Jarvis et al, in order to removably close the end of the door panels to thereby protect the interior from dirt and moisture while offering access into the interior of the door panels.

#### ***Allowable Subject Matter***

***Claims 2-4 and 39-43 are objected to*** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As concerns **claim 39**, structural limitations pertaining to the **groove** and having a **retainer lip** at the edge; and the **hinge coupler** having a **connector** that **snap-fits into the groove and is retained by the retainer lip**, is not disclosed or suggested by the prior art of record.

### ***Response to Amendment***

The remarks filed April 14, 2005 have been considered but are not deemed to be persuasive.

As concerns remarks pertaining to claim 23 of the prior amendment, the examiner points out that nothing was changed to that claim. The word "includes" was still "includes". This claim has since been canceling rendering this argument as moot.

As concerns remarks pertaining to panels being "extruded" and/or being formed "integral", the examiner reiterates the position that the **process** by which an apparatus is made (i.e., **extruding**, and being "**integrally**" formed) is **NOT** given patentable weight within an apparatus claim. Further, forming separate parts as "one integral part" (integration of parts) is also considered as **NOT** having patentable weight within an apparatus claim.

As concerns remarks pertaining to the references of Woernle and Yane not being of analogous art, the examiner takes the position that since both references are within the art of "doors", they are analogous and can be used as teaching references to modify other door-type apparatus.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (571) 272-6831. The examiner can normally be reached on Mon-Fri., 5:30 AM - 2:00 PM.

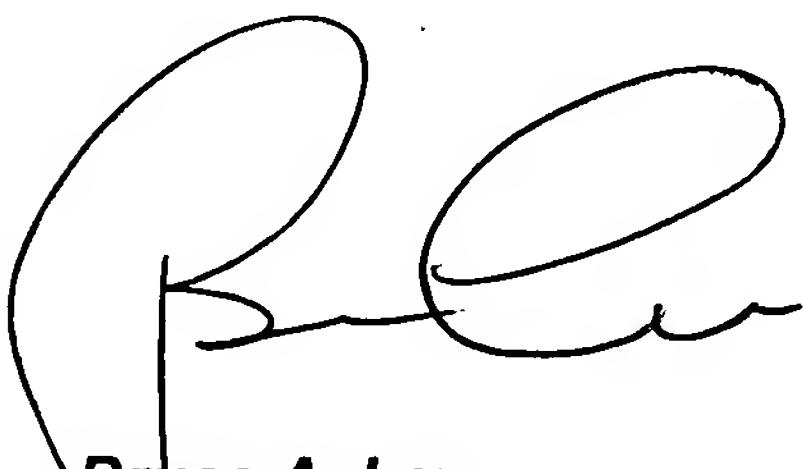
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2005



**Bruce A. Lev**

**Primary Examiner**

**Group 3600**